

SENATE BILL No. 453

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-37-1.

Synopsis: Restricted sales at flea markets. Prohibits the sale of baby food, cosmetics, devices, and drugs at flea markets except by authorized manufacturer's or distributor's representatives.

Effective: July 1, 1999.

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January 13, 1999, read first time and referred to Committee on Commerce and Consumer Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

(Continued next page)

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-37-1-1.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 1.1. As used in this chapter, "authorized**
4 **manufacturer's or distributor's representative" means a transient**
5 **merchant who has available for public inspection written proof**
6 **that the transient merchant is authorized by the manufacturer or**
7 **distributor to sell at public retail sale the product offered for sale.**
8 SECTION 2. IC 25-37-1-1.3 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 1999]: **Sec. 1.3. As used in this chapter, "cosmetic" has the**
11 **meaning set forth in IC 16-18-2-82.**
12 SECTION 3. IC 25-37-1-1.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 1999]: **Sec. 1.5. As used in this chapter, "flea market" means any**
15 **location, other than a permanent retail store, at which space is**
16 **rented or otherwise made available to others for the conduct of**

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IN 453—LS 7359/DI 97+



1 **business as a transient merchant.**

2 SECTION 4. IC 25-37-1-16 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 1999]: **Sec. 16. (a) This section does not apply to an authorized**
5 **manufacturer's or distributor's representative.**

6 **(b) A transient merchant may not sell, offer for sale, or**
7 **knowingly permit the sale at a flea market of any:**

- 8 **(1) food manufactured and packaged for sale for consumption**
9 **by a child less than two (2) years of age;**
10 **(2) cosmetic;**
11 **(3) device, as defined in IC 25-26-13-2;**
12 **(4) drug, as defined in IC 25-26-13-2; or**
13 **(5) product that has an expiration date.**

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